IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 13670 of 2004

Between:

P. Yellamma, W/o. P. Aseerwadam,
Rayamalpuram Village, Nandyal Mandal, Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Nandyal Mandal, Kurnool District.
3 Avulakonda Devakumar, S/o. Sudarsanam,
R/o. Rayamalpuram Village, Nandyal Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, to declare the action of the second respondent in passing the orders in Rc.No. 88/2004 dated 19-05-2004, and allotment of the F.P. shop dealership to the third respondent on permanent basis, who is a male person, though it is specifically reserved for women candidates, is illegal, arbitrary and violative of the Statutory Provisions and Article 16 and 21 of the Constitution of India and to pass

Counsel for the Petitioner: MR.KUMMATHI VENKATESULU

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3: Mr.G.V.N.Prasad

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies and learned counsel for the 3rd respondent.

The petitioner questions the action of the 2nd respondent in passing the orders in Rc.No.88/2004 dated 19.5.2004 in allotting the Fair Price Shop dealership in favour of the 3rd respondent, who is a male person, on permanent basis, though it is specifically reserved for women candidates as illegal and arbitrary.

The petitioner submits that she has completed S.S.C and failed in Intermediate course and being unemployed filed an application for selection to the Fair Price Shop dealership in Rayamalpuram village, Nandyal Mandal, Kurnool District, pursuant to the notification issued by the Revenue Divisional Officer, Nandyal, in Rc.E.No.1864/2003 dated 31.12.2003. In the said notification the 2nd respondent specifically invited applications from women candidates only for allotment of Fair Price Shop dealership. Pursuant to the application, the petitioner was called for interview and she attended for the same on 24.1.2004 and she was not selected. The 2nd respondent contrary to his own notification selected the 3rd respondent as the dealer of the said Fair Price Shop vide order dated 19.5.2004. The petitioner questions the said order on the ground that the selection of the 3rd respondent, who is a male member, as illegal and contrary to the said notification.

A perusal of the notification dated 31.12.2003 clearly goes to show that the vacancies of Fair Price Shop dealers are sought to be filled up on permanent basis by conducting interviews from the category of Backward Caste, Scheduled Tribe, Scheduled Caste and other categories from among the women. Accordingly, women

candidates were only invited for submitting their applications before 5.00 p.m., on 22.1.2004. Pursuant to the said notification, five women candidates and four male candidates have applied for the same. Out of them, the petitioner and one Boya Ramanamma alone were the female candidates, who have appeared for the interview. It is stated that the 3rd respondent has answered well when compared to other candidates and, therefore, he was selected and appointed as Fair Price Shop dealer of Rayamalpuram village on permanent basis.

The 3rd respondent has filed counter affidavit stating that the dealership of the said Fair Price Shop is not reserved for women candidates as stated in the affidavit and the 2nd respondent has rightly appointed the 3rd respondent on merit basis and, therefore, there is no illegality in the selection. Therefore, the said selection of the 3rd respondent cannot be set aside as it was not specifically reserved for women candidates. It is further stated that the notification shows that the dealership of the said Fair Price Shop is a general category and there is nothing wrong in selecting a male candidate.

On a perusal of the notification goes to show that the vacancy has fallen due to the resignation of the permanent Fair Price shop dealer relating to a general category. But all the shops are notified or decided to be allotted to women candidates only vide notification dated 31.12.2003 issued by the 2nd respondent. Therefore, I am of the opinion that the dealership of the said Fair Price shop is reserved for women candidates and the selection of male candidate is contrary to the said notification. Accordingly, the impugned order dated 19.5.2004 in appointing the 3rd respondent is set aside and the 2nd respondent is directed to select from among the eligible women candidates only pursuant to the said notification and pass appropriate orders within four weeks from the date of receipt of copy of this order. The 3rd respondent shall continue as dealer of the said Fair Price Shop till the selection is made pursuant to the said notification.

The writ petition is, accordingly, allowed. No order as to costs.

(V.ESWARAIAH, J.)

12.4.2005

Note: Issue copy within three days

B.O.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the Tuesday, the twelfth day of April, Two thousand and Five.

To

1 The District Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Nandyal Mandal, Kurnool District.
3. 2 copies to the Govt. Pleader for Civil Supplies, High Court of A.P.,

Hyderabad.